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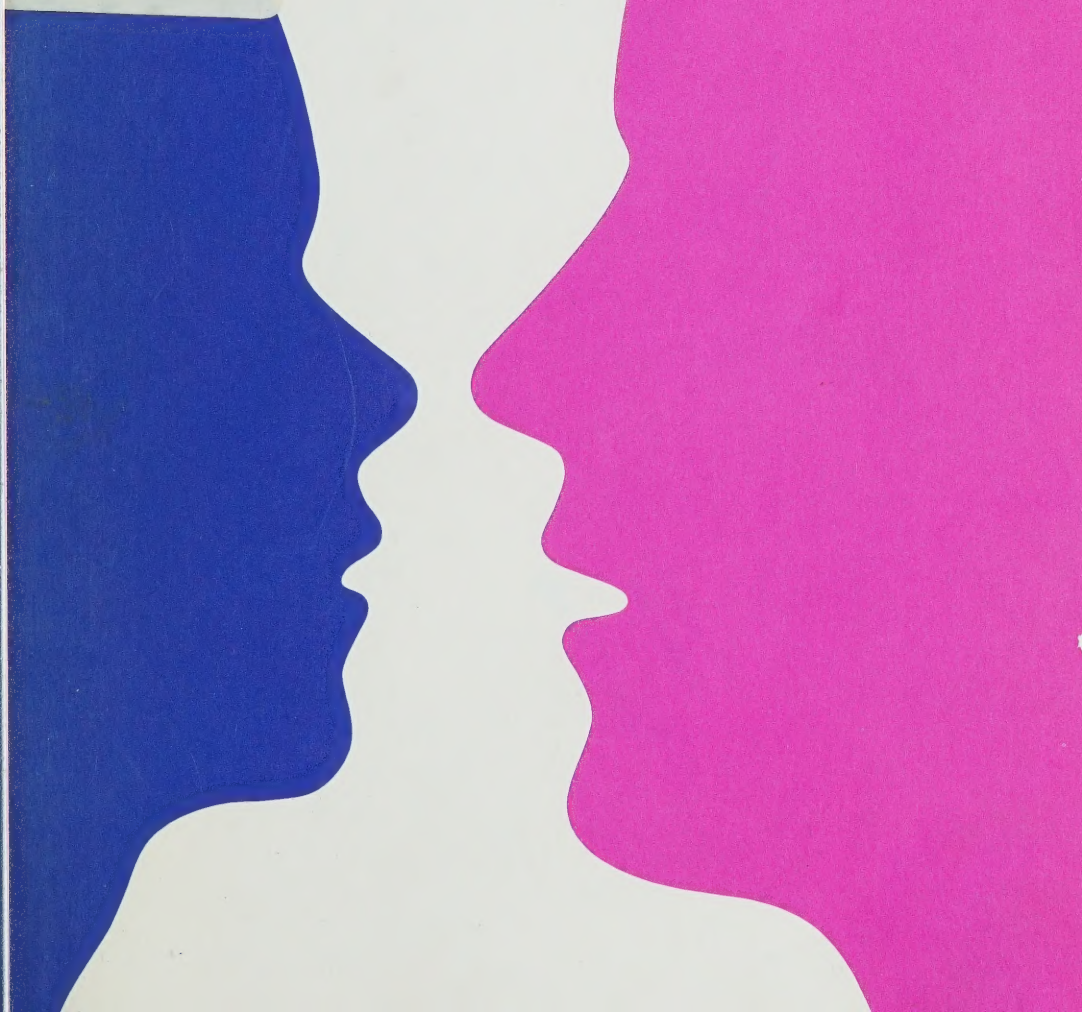




Case Studies and
Community Action Programs
under the Ontario Human
Rights Code and
the Age Discrimination Act

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Publications

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Case Studies and
Community Action Programs
under the Ontario Human
Rights Code and
the Age Discrimination Act
The Ontario Human Rights
Commission
Ontario Department of Labour



[General publication]

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"... Laws which are dissociated from a true concept of justice may be obeyed, but they will not be respected . . . There is in every human heart a spiritual concept of justice. It is a concept difficult to define, but injustice is something that the humblest human being can readily recognize. Cicero said that the foundation of justice was our natural inclination to love our fellow man. There is in the concept of justice an undefinable spiritual quality that gives to law and its administration a majesty and an eternal living purpose."*

The Honourable J.C. McRuer, LL.D.,
*Former Chief Justice of the Ontario High Court,
Commissioner, Royal Commission Inquiry into
Civil Rights in Ontario.*

*From an address entitled, *Law Calls for Justice*, given before the Section of Judicial Administration, American Bar Association, Montreal, Quebec, August 8, 1966, page 5.

Introduction

The Ontario Human Rights Code

The Ontario Human Rights Code prohibits discrimination because of race, creed, colour, nationality, ancestry or place of origin in the following areas:

- The posting of signs and notices.
- All places of public accommodation.
- The occupancy of any commercial unit or any self-contained dwelling unit.
- Employment (including hiring, firing, treatment in employment such as upgrading or demotion). Further, it is unlawful to make inquiries or specifications in employment advertisements, application forms or job interviews, into the race, creed, colour, nationality, ancestry or place of origin of applicants. These prohibitions do not apply to domestic employment, or to non-profit charitable, religious, educational or social organizations.
- Admission to or membership in a trade union.
- Equal pay for women. Women must be paid the same amount as men for doing the same work in the same establishment.

The Age Discrimination Act

The Age Discrimination Act prohibits discrimination against any person between the ages of 40 and 65 in employment (hiring, firing or conditions of employment) because of age. No one shall be excluded from or denied full participation in trade union membership because of age.

A complaint is filed

Any individual who believes that he has been discriminated against with regard to any of the areas covered by the Ontario Human Rights Code or the Age Discrimination Act may file a complaint with the Ontario Human Rights Commission without any financial cost to himself.

An officer of the Commission then investigates the case very carefully by interviewing both the complainant and the respondent (the employer, landlord or proprietor as the case may be) to assess the validity of the complaint. If no evidence of discrimination is discovered, the respondent is immediately cleared and the case dismissed.

The process of conciliation

If the facts, however, suggest that discrimination did take place, the Commission makes every effort to settle the matter through conciliation, that is, by means of discussions or mediations to persuade the party practising discrimination to change his policy and provide employment, housing accommodation or the use of facilities to the complainant. The Commission also seeks assurances from the respondent that, in future, his practices will be conducted in compliance with the provisions of the Ontario Human Rights Code. In some cases, a letter of apology to the complainant for the inconvenience and indignity suffered as a result of the discrimination is required as a part of the settlement. Sometimes, also, the respondent is required to clarify in writing his policy of fair practices for the benefit of his staff or representatives so that there can be no doubt about the position of the management in relation to fair practices.

Steps beyond conciliation

In the majority of the cases coming to the Commission, the conciliation process has been successful and the complaint settled without recourse to further action. The Commission has found that most employers, landlords and proprietors are ready to comply once they realize that they have violated the law and to change their practices in accord with the provisions of the Code or the Act.

In some cases, however, conciliation is not successful and further action is required to settle a case.

When this happens, a Board of Inquiry is appointed to conduct a public hearing into the case. The legislation further empowers the Commission to carry the case to prosecution if this should be necessary.

It should be emphasized that the efforts of the Commission are always directed towards the settlement of the case and that every attempt is made to ensure that the discriminatory practice will be altered and discontinued. Prosecution and penalties occur only as a last resort.

Conciliation and Education

The process of conciliation carries with it educational effects and implications. In dealing with respondents, the Commission first of all has the responsibility of acquainting them with the provisions of the Ontario Human Rights Code if, indeed, they are not already aware of them. In addition, any anxieties and reasons for practising discrimination expressed by respondents are carefully discussed and an attempt made to reassure them that, on the basis of Canadian experience, they will lose

neither money nor status if they accept minority group members in their establishments. They are reminded of their obligations as citizens to abide by the law and emphasis is placed upon the fact that experience has shown that public opinion in Ontario is against discrimination and that the people of the province want all persons to be treated fairly. This has been borne out, not only by newspaper and public reactions on occasions where instances of discrimination have been made public, but it has also been supported by the fact that in every case which the Commission has handled, the respondent, whether employer, proprietor or landlord, has been asked to contact the Commission if he encounters any difficulties as a result of adopting a policy of fair practices. In not one instance has the Commission received any report or indication that business has been hurt after the adoption of a fair practices policy towards all persons.

Furthermore, while the majority of cases handled by the Commission have been settled satisfactorily during the conciliation process and only a few have required the additional step of a Board of Inquiry and a public hearing, the holding of a hearing can prove to have important educational values – it provides the public with an opportunity to discuss the issues, to express opinions on the subject of discrimination, and to view, through the details of a case, the administrative process of the Commission.

In summary

The following pages contain a series of case studies, indicating some of the kinds of complaints which have been brought to the Commission and the manner in which they have been handled by Commission officers. All of these are actual cases processed by the Commission, but the identity of the persons and establishments involved has, of course, been kept confidential.

The function of the Commission's conciliation work is to further the aims of the Ontario Human Rights Code and the Age Discrimination Act. While law enforcement is an important facet of this work, it by no means limits the concern of the Commission nor does it confine it in its efforts to create a climate of understanding and mutual respect in which all of the people of Ontario, of whatever racial, religious or cultural background, will be made to feel that all are equal in dignity and rights, that all are part of the whole Canadian community, and that all have a rich contribution to make to the development and well-being of our province and nation.

The Commission consequently carries on an active educational program for the purpose of acquainting the Ontario public with the Ontario Human Rights Code and the Age Discrimination Act and with the activities of the Commission in administering them. The educational program takes the form of publications, displays and exhibits, film programs, public service announcements through the mass media, speeches, consultation with

community groups and human rights meetings and conferences. The purpose of this pamphlet is to illustrate the conciliation process and, therefore, the educational program of the Commission has not been described in these pages.

Additional information about the functions of the Commission and copies of its publications may be obtained upon request from any of the Commission's offices.



Case Studies

Formal complaints under the Ontario Human Rights Code

Signs and Notices

It is unlawful for anyone to display or publish signs, notices or other representation indicating discrimination against any person or group of persons because of race, creed, colour, nationality, ancestry or place of origin.

Food products company withdraws labels caricaturing Indians and Chinese

A food products company withdrew from the market the labels of two unflavoured drink mixes because of uncomplimentary caricatures of Indians and Chinese used to advertise the mixes. The Indian-Eskimo Association of Canada brought the matter to the attention of the Commission, pointing out that "This advertisement in our opinion is derogatory to the image of our Indian citizens . . . Indian youth of this country should have an opportunity for progress and fulfillment equal to that afforded to other citizens. The perpetuation of erroneous and derogatory stereotypes must be vigorously resisted." The firm, upon withdrawing the labels, informed the Commission, "We have reviewed these initial decisions and are now concerned that, however innocent our intentions, we have risked giving offence to some members of minority groups . . . The labels have, therefore, been changed."

Motel and golf and country club registration forms reprinted

Complaints were received that a motel and a golf and country club in the Georgian Bay area used business registration cards which

stated, "... management reserves the right to refuse service to anyone . . ."

Letters were sent by the Commission to the owners of the two establishments, pointing out that a clarifying sentence would be necessary in order to avoid giving the impression that refusal of service might be on the grounds of race, creed, colour or ethnicity. Both establishments co-operated with the Commission. The golf and country club revised its form to read, "... management reserves the right to refuse service to anyone, except on the grounds of race, creed, colour, nationality, ancestry or place of origin . . ." The motel blocked out the phrase in question from their form.

Discriminatory sign on beach removed

The Commission received a complaint that a sign at the entrance to a beach in the Windsor area read as follows, 'White, thank you.' An officer representing the Commission investigated the matter and a settlement was reached. As part of the settlement, the proprietor of the beach removed the sign and provided written assurances to the Commission that not only would the sign not be displayed again, but that henceforth the operation of the beach would be carried out in accord with the provisions of the Ontario Human Rights Code. The proprietor also agreed to post the Ontario Human Rights Code card in a conspicuous place at the entrance to the beach.

Public Accommodation

No one can be denied accommodation, services or facilities or be discriminated against with regard to the quality of service, in any place to which the public is customarily admitted because of race, creed, colour, nationality, ancestry or place of origin.

Indian chief invited to return to hotel

An Indian chief returned to a hotel beverage room in a northern Ontario community for service following an incident in which he was initially denied entrance to the beverage room. Following telephone inquiries into the incident on the part of the Commission, the hotel management assured the Commission that its policy is to abide by the Code and accept all persons without regard to race, creed, colour or ethnic origin. The management further assured the Commission that the chief would be welcome in his establishment if he were to return. Shortly afterwards, the chief and his friends went back to the beverage room and received courteous and satisfactory service.

Negro woman receives apology after being accused of theft

After purchasing a copy of a book at a subway terminal, a Negro woman later entered a cigar store where she was accused of stealing this book. The book was snatched from her by one of the owners and the woman forcibly removed from the store. The complainant came to the Commission claiming that she had been mistreated because of her race, and an investigation was begun. The complainant also filed a separate county court charge. As a result, the offending partner in the cigar store

business was fined through the courts \$100 plus costs. The store partnership was dissolved and the offending partner withdrew from the business. The continuing partner assured the Commission of compliance with the Ontario Human Rights Code, apologized to the complainant for the manner in which she had been treated, gave her back the book, and invited her to return to the store.

Indians invited to return to establishments

Two establishments near Sudbury have invited Indians to use their facilities following complaints of discrimination. A tavern had allegedly refused service to Indians on two separate occasions and a restaurant in that area was the subject of two complaints of Indian women who maintained that they were denied service. Following meetings with the management of both establishments, the Commission obtained assurances of compliance with the Ontario Human Rights Code. As part of the settlements in these cases, the complainants were invited to visit the establishments, apologies were tendered for any inconvenience or embarrassment the complainants may have experienced, the staffs of both establishments were instructed to abide by the Code, and the Ontario Human Rights Code card is to be permanently displayed in both places as an indication of policy.

A Negro boy receives a haircut

A fourteen-year-old Negro boy in a community near London was refused a haircut at a local barbershop. The barber sent the young

Housing and Commercial Space

boy out of his establishment with instructions to find his 'own kind' of barber, saying, "We don't cut coloured hair."

After the boy's mother filed a complaint with the Commission, a Commission officer visited the barber who substantiated the complaint. Following discussions, the barber agreed to change his policy. As part of the settlement, he agreed to: 1. Send a written apology to the boy and his mother; 2. Assure them and the Commission that henceforth he would abide by the provisions of the Ontario Human Rights Code and provide the services of his shop without distinction as to race, creed, colour or national origin; 3. Post the Ontario Human Rights Code card in public view in his shop. The boy's mother subsequently informed the Commission that her son was served in the shop in a courteous manner.

No one can be refused occupancy of any commercial unit or any self-contained dwelling unit or be discriminated against in any condition of occupancy of such commercial space or dwelling unit because of race, creed, colour, nationality, ancestry or place of origin.

Blind Negro student obtains apartment after Board of Inquiry appointed

A Board of Inquiry was appointed to conduct a public hearing into the case of a blind Negro student in Windsor who had been denied occupancy of an apartment. The landlord insisted that he did not discriminate on the basis of race and colour, but that he did not wish to accept a blind person as a tenant. However, a number of conflicting statements and a record of a previous complaint against the same party led the Commission to appoint a Board of Inquiry. The judge who had been appointed to conduct the Inquiry assisted the Commission in reaching a settlement with the landlord who agreed to the following actions: 1. To provide the complainant with an apartment by a specified date and at a specified rental; 2. To apologize in writing to her, with a copy of the letter to be sent to the Commission; 3. To instruct in writing the caretakers of the buildings which he owned that they were to post the Ontario Human Rights Code card prominently on those premises and to abide by the provisions of the Code in the rental of apartment suites.

Japanese man offered apartment after initial refusal

A Japanese man complained that he had been refused tenancy of a one-bedroom apartment. A sign in front of the apartment complex advertised the apartment as available. His complaint was based upon the fact that several days after he had been told there was no vacancy, the sign remained up. A Commission investigation revealed areas of poor management. As a result, the complainant was offered a vacant one-bedroom apartment, the Commission was assured of compliance with the Ontario Human Rights Code, and Code cards were posted in the building.

West Indian from Aruba continues as tenant after receiving eviction notice

A West Indian from Aruba who was living in a Toronto apartment received an eviction notice. He then filed a formal complaint with the Commission on the grounds that the building superintendent had many negative attitudes towards Negroes and had discriminated against him by treating him differentially and by making false and derogatory reports about him to the owner.

A Commission investigation confirmed the building superintendent's negative attitudes and differential treatment to tenants based on race and colour. The owners, after

being apprised of the situation, strongly reprimanded the building superintendent and indicated that any future act of this nature would result in immediate dismissal. Ontario Human Rights Code cards were posted in all of the owners' buildings and all staff were instructed to comply with the provisions of the Code. An apology was extended to the complainant and he accepted the owners' invitation to remain as a tenant in good standing.

Landlord seeks accommodation for Negro woman

A landlord who admitted bias in a housing case changed his position and agreed to seek suitable accommodation for a Toronto Negro woman after she had been refused occupancy of a flat in a duplex because of her race and colour. The complainant stated that she had been asked, "Are you Jamaican?" and "What mixture are you?" and told that if she rented this accommodation, other tenants would move out. The Commission's investigation confirmed that these statements had been made and revealed that the landlord feared the presence of Negroes would be detrimental to his rental business. The other tenants, when interviewed, maintained that they had never voiced negative attitudes regarding Negroes and they expressed an acceptance for Negro neighbours. In settlement, the owner apologized verbally and in writing to the complainant, offered her the next available accommodation, offered assistance in finding suitable quarters, and assured the Commission of his future compliance with the Code.

Chinese couple offered apartment and apology

A Chinese couple was advised by the landlord of a large apartment building that there were no longer any vacancies in the building. A white friend visited the same building a short time later and was told that an apartment was available.

Following a Commission investigation, the couple received a written apology from the owner and were invited to take an apartment. The Commission received written assurances of future compliance with the Code and a promise that Code cards would be permanently posted in the vestibule of the apartment building.

Hamilton builder offers sale of new home to Negro nurse

A Negro nurse in Hamilton submitted an offer to purchase a house through a real estate agent. Her offer was declined, allegedly because the builder was fearful that if he were to sell his first house in the area to a Negro, it would be difficult for him to sell the remaining houses. A complaint was submitted to the Commission.

Following a Commission investigation, the matter was satisfactorily settled when the builder offered the complainant a similar house in the immediate neighbourhood of the home for which she had initially applied.

Canadian Council of Churches supports complaint of Negro secretary

An apartment appeared to be available when a member of the staff of the Canadian Council of Churches called the building manager of a large apartment complex. After the building manager had been advised that the caller was inquiring on behalf of a Negro woman, the apartment appeared not to be available after all. That same evening, the Negro woman, accompanied by a Negro friend, applied at the rental office of the firm and was told by the agent that nothing would be available for at least a month. A few minutes later, a white secretary of the Canadian Council of Churches appeared at the same office with a white friend. The white couple were immediately shown two available apartments.

A complaint of racial discrimination was submitted to the Commission. At a special session of the Ontario Human Rights Commission, a settlement was arranged with the apartment management. The Negro secretary was offered an apartment in the building as well as a formal apology and assurances of fair treatment. The Commission also received a firm commitment of future compliance with the Ontario Human Rights Code. All agents and employees of the firm were clearly instructed by the management that a violation of the Code could result in dismissal.

The Commission was later advised by the complainant that she was satisfactorily settled in her apartment and that she was well treated by the landlord and neighbours.

Employment

Apartment complaint dismissed

A Toronto Negro felt that factors involving race and colour prevented his successful rental of a two-bedroom apartment which had been advertised as available. A Commission investigation revealed that the apartment in question had been shown to a number of applicants by the building superintendent. Several applications were accepted and the decision to rent was made by the owner shortly before the complainant was shown the advertised quarters by the building superintendent. The successful applicant was a Negro who had applied one day earlier than the complainant. As a result of these findings, the case was dismissed for lack of probable cause.

An individual's race, creed, colour, nationality, ancestry or place of origin must not be determining factors in: a) hiring or firing; b) treatment in employment (including upgrading or demotion); c) admission to or membership in a trade union.

There can be no reference made or preference stated, directly or indirectly, in application forms, employment advertisements, or job interviews, nor can there be written or oral inquiries, regarding race, creed, colour, nationality, ancestry or place of origin, nor can any applicant be requested to furnish such information.

(These prohibitions do not apply to domestic employment or to non-profit charitable, religious, educational or social organizations.)

Chinese university graduate rehired for position and training

A Chinese university graduate who had been fired from a firm was later rehired. The graduate, trained in business administration, complained of being denied opportunities for advancement and then of being dismissed from a firm of international scope, in contrast to another employee, white and of Canadian birth, who was being trained by the same firm for a higher position. As this firm came under federal jurisdiction, the case was referred to the federal Department of Labour in Ottawa. Following an investigation by the Fair Employment Practices Branch of the federal Department, the complainant was granted the training and position for which he had initially applied.

German firm hires Jewish clerk-typist

A young Jewish woman in Toronto complained that she had been refused a position as a clerk-typist which she had seen advertised in a newspaper. She based her complaint upon the fact that she had been asked her religion during the employment interview and also that the interviewer had pointed out to her that the firm's head office was in Germany, a factor which 'she might want to consider' before accepting the position. When she was later advised that she had not been accepted for the position, she contacted the Commission.

Upon investigation, the Commission officer learned that the successful applicant for the position was also Jewish. The interviewer maintained that he was merely concerned that Jewish employees should know of the firm's German origin prior to taking a position with them. The Commission's officer pointed out to the interviewer the dangers of creating an impression of discrimination in this way. The firm's representative acknowledged this and submitted written assurances to the Commission that he would henceforth abide by the Ontario Human Rights Code in his interview procedures.

Negro entertainer offered engagement in cocktail lounge

A Negro entertainer filed a complaint against a downtown Toronto hotel, alleging that she was denied an opportunity to work in the hotel's cocktail lounge because of her colour. She claimed she had been informed that the hotel could not use her services because she was 'too black.' The Commission's concilia-

tion efforts resulted in the following settlement: 1. A statement from the hotel of its policy of fair practices; 2. An indication that all hotel personnel had been informed of the policy and instructed to abide by it; 3. A letter of apology to the complainant which included an offer of a two-week engagement in the cocktail lounge; 4. A letter of apology to the complainant's agent together with an invitation to discuss at any time the possibility of future engagements at the hotel of clients of the agent.

Large firm reinstates Ceylonese worker

A Ceylonese punch operator filed a complaint with the Commission following his dismissal from a large firm where he had been employed for two years. The dismissal was precipitated by an incident in which the complainant allegedly smeared ink on a machine and was then physically attacked by another worker. The complainant was dismissed but not the person who attacked him. Investigation by the Commission revealed a situation in which the complainant jokingly called himself derogatory names relating to his colour and ancestry. When other employees returned this type of comment to him, the complainant would reply in kind. The complainant struck out after being smeared with black ink. It was also revealed that the complainant was required to deliver coffee to the work area more frequently than the other workers who were Caucasoid.

The Commission officer discussed these matters with the management of the firm,

suggesting that a minority group member with an inferiority complex might jokingly make derogatory remarks about himself as a defence mechanism. However, when similar remarks were made towards him, the effect was traumatic. Also, his status may have been lowered by delivering coffee more frequently than his fellow workers. The combination of these factors may have developed a deep resentment over a period of time, culminating in his violent outbreak after being smeared with black ink.

Following discussions between the Commission's officer and the firm's director of personnel, assisted by the firm's legal counsel, a settlement was agreed upon: the complainant was reinstated in his previous job under previous managers; management agreed to counsel both the complainant and the worker who attacked him; management agreed to initiate and conduct a general educational program in the work area where the incident had occurred; a unit comprising lessons on human rights would be programmed into present management courses with the Commission assisting in supplying materials and the officer acting as consultant; a rehabilitation program for the complainant would be initiated including continuing counselling sessions with the officer; the complainant would withdraw criminal charges against the worker who attacked him; a cash settlement of \$720 was made to the complainant.

Negro woman obtains position

A Negro woman was employed by a paper products firm in Metropolitan Toronto after she complained to the Commission that she

had not been treated in an equal manner to other applicants. Shortly after being informed by telephone that positions on the firm's assembly line were available, she arrived at the firm's employment office where she was told that the office had been notified not to employ any additional staff. She was not asked about her experience nor asked to complete an application form. The next morning, she again called the firm and was advised that staff was being hired and that she should appear for an interview. A neighbour applied to the employment office, was asked to complete an application form and invited to remain for a personal interview. The neighbour noticed that several other applicants were also requested to complete the application form. Upon receipt of the applicant's complaint, a Commission officer met with the firm's employment supervisor who agreed to apologize to the complainant and to interview her for a job. Shortly afterward she was accepted for employment by the firm.

Human relations course planned for government supervisors

Several complaints were filed with the Ontario Human Rights Commission alleging discrimination on the part of supervisors in a provincial government department against new immigrant and Jewish employees.

The Commission's investigation did not reveal evidence to support the complaints of violation of the Ontario Human Rights Code, but wide-spread concern on the part of employees was brought to the attention of the

director of personnel of the department involved. As a result, a series of educational programs in human relations was planned by the personnel office of the department and the Commission.

Complaint involving Negro mechanic dismissed

A Negro mechanic from Jamaica filed a complaint with the Commission, alleging that he had been dismissed from an automobile and truck repair plant because of race and colour after three weeks of employment. He claimed that his supervisor was responsible for his dismissal and further charged that no one in this company's employ had been dismissed after only three weeks on the job. A Commission investigation revealed the following: 1. Documentation showed that the complainant's work was slow and inaccurate; 2. Documentation showed that other poor workers were dismissed after a short period of time; 3. A Negro mechanic, currently employed by the firm, had worked under the complained-of supervisor and had been promoted by him; 4. Another Negro was currently working under the complained-of supervisor and thought very highly of by him. The Commission dismissed the case and upheld the company's right to fire the complainant.

Negro veteran enrolls in apprenticeship program

A Negro Canadian Air Force veteran was invited to apply to a local London union for enrolment in an apprenticeship program as a result of a Commission investigation and

conciliation. Although age had been given as the original reason for refusal, the complainant learned that white applicants of his age range were being accepted by this union and he then filed a complaint with the Commission.

Complaint against Union dismissed

The complaint of an Ottawa movie projectionist that he had been discriminated against by his union and his former employer because of his Yugoslav origin was dismissed for lack of probable cause when the Commission's findings did not support the complainant's allegations.

A Japanese-Canadian objected to a newspaper employment advertisement requesting a photograph

An advertisement appeared in a daily newspaper requesting applicants for an engineering position to submit a recent photograph with their applications. Shortly after the advertisement appeared, an officer of the Japanese-Canadian Citizens Association filed a formal complaint with the Commission against the newspaper which had carried the ad.

The Commission arranged a meeting among representatives of the newspaper, the Japanese-Canadian Citizens Association and

Equal pay for women

the Commission in order to clarify their respective views. At the meeting, the Director of the Commission discussed the experience of Commissions across the continent regarding pre-employment requests for photographs of applicants. The Japanese-Canadians present emphasized the feeling of members of the Japanese community that a request for a photograph discouraged many minority group members from applying for positions.

The representative of the newspaper agreed that photographs should not be requested and he agreed to circulate a memorandum to this effect to all staff members taking advertisements. He assured the Commission that every effort would be taken to prevent requests for photographs from appearing in ads.

Northern Ontario municipal hydro commission revises employment application forms

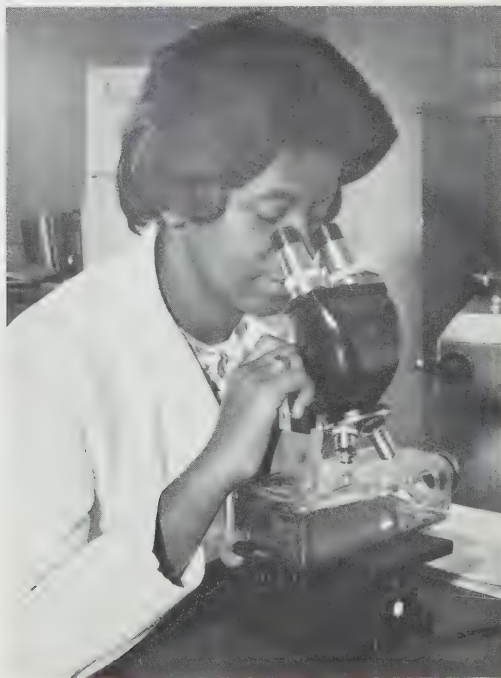
A municipal hydro commission in northern Ontario revised its employment application form after the Commission received a complaint from a resident of the area that the form contained questions regarding organizational membership, religious preference and church attendance as well as a request for a photograph—all items disallowed by the Ontario Human Rights Code. Interview guides used by the firm in making inquiries of references and previous employers also contained disallowed questions. The case was settled upon the Commission's receipt of revised employment application forms in which the disallowed and questionable sections were deleted.

Women must be paid the same amount as men for doing the same work in the same establishment.

Female hospital workers receive same pay as men

Complaints were received from women hospital aids at a children's psychiatric research hospital alleging that they were being paid at a rate of pay less than that paid to male employees doing the same work in the same establishment. A Board of Inquiry was appointed to conduct a hearing into the case. The judge found that the work performed by the women exactly corresponded in all details with the work performed by male attendants in the hospital and that the women, therefore, should receive the same rate of pay as the attendants. Following the judge's recommendation, the rates of pay were adjusted so that the women hospital aids received the same pay as the male attendants.

In another case, involving a mental hospital in northern Ontario, the judge found that the hospital aids were not, in fact, doing exactly the same work as the male attendants and that the situation did not constitute a breach of the Ontario Human Rights Code.



Informal complaints under the Ontario Human Rights Code

The Commission also receives many complaints about matters which, while related to the areas covered by the Ontario Human Rights Code, actually fall outside the legal jurisdiction of the Code. In these instances, the Commission attempts to use its educational offices to bring about voluntary compliance with the spirit of the Code. Many times, these efforts are successful, although sometimes no settlement can be reached.

Northwestern Ontario Indians receive vacation pay

Indian organizations in northwestern Ontario complained to the Commission regarding alleged discrimination and exploitation of Indian workers employed by Manitoba contractors in several communities in that area. A fact-finding investigation, which ended in a settlement, was conducted by the Labour Standards Branch of the Ontario Department of Labour and by representatives of the federal Department of Labour. The settlement resulted in the obtaining of vacation pay owing to 142 Indian employees and \$1,143.01 was collected from the three Manitoba-based construction firms which were involved.

At the same time, the Commission received strong recommendations that educational programs to inform Indian workers of their legal entitlements regarding working conditions, vacation pay, wages, workmen's compensation protection, safety regulations and employment discrimination should be carried out in reservation communities. These recommendations were accepted by the Commission and work to implement them was undertaken.

Insurance firm revises fidelity bonding forms
A large insurance firm agreed to revise its application form for fidelity bonding, eliminating the questions, 'racial extraction' and 'place of birth.' The agreement followed a series of meetings with the Commission after complaints were received from officials of two community agencies and a private citizen.

Florida real estate firm barred from Ontario

A Florida real estate firm, which operated a booth at the Canadian National Exhibition, handed out cards one year inviting inquiries about property for sale in Alabama. When interested persons returned the cards to the firm, they were sent information about available lots. A note on the covering letter stated that the property in question 'is restricted to white property owners.'

Complaints were filed with the Commission which took the matter to the Ontario Department of Insurance. The Real Estate and Business Brokers Act of Ontario had been amended to require all persons wishing to sell within the province subdivision property located outside the province to file with the Department of Insurance. The Department decided that since the restriction to white property owners was contrary to public policy in Ontario, no approval would be given to any prospectus filed by the firm. In effect, this meant that the firm was prohibited from engaging in further real estate dealings in Ontario.

Radio and TV station apologizes to Indians

Following complaints submitted by the Northwestern Ontario Association of Indians, the Indian-Eskimo Association of Canada and private individuals, a large radio and television station in northern Ontario has agreed not to mention the ethnic identity of individuals involved with the law. The complaints resulted from news reports carried on the station in which individuals involved with the law were identified as Indians. Following the conciliation efforts of the Commission, the station broadcast its assurances . . . "That ethnic and racial identification in news broadcasts is certainly not the policy of this station. The instances in which this has occurred are to be regretted and apologies are made for any personal slight which was not intended." The station expressed the hope that the organizations which had submitted the complaints would accept the station's statement of policy and its assurance that there would be no further incidents of this nature.

Technical school deletes question about country of birth

The Commission received a complaint from a person who had attempted to register for an evening class in a technical school. The registration form contained the question,

'country of birth.' When the applicant refused to answer this question, his application was not accepted.

Educational institutions are exempt from the provisions of the Code, but the Commission wrote to the principal of the school, seeking voluntary compliance. The principal replied, stating that the application forms would be changed and, in future, this question would be deleted.

Investigation firm no longer notes place of origin

A Toronto investigation agency has discontinued its practice of noting place of origin with regard to some applicants for apartment rentals. The firm, among other functions, investigates applicants upon the request of landlords with reference to credit rating. Their procedures came to light following an investigation by the Commission of a complaint of discrimination in the rental of an apartment. The landlord's file contained a report noting that the applicant's country of origin was Trinidad and further noting that the investigation firm did not 'recommend this type of tenant' because several people from the same country 'had broken their leases.' Following discussions with a representative of the investigating firm, the Commission obtained oral and written assurances of compliance with the spirit of the Ontario Human Rights Code. The firm stated that no reference will be made henceforth in its reports regarding the race, creed, colour, nationality, ancestry or place of origin of applicants.

Complaints under the Age Discrimination Act

Hospital decides not to ask religion of applicants

A complaint was received by the Commission from a person who had applied for a position at a city hospital in the province. During the course of the interview, the applicant was asked his religion. Hospitals, as philanthropic institutions, are outside of the formal jurisdiction of the Ontario Human Rights Code, but the Commission wrote to the hospital, informing them of the complaint and seeking their voluntary compliance in eliminating this question in job interviews. The superintendent of the hospital replied, saying that the administration was distressed that this incident had occurred. He blamed it on the fact that old application forms used to ask this question; the question had been deleted from revised forms, but a few of the older forms still remained in circulation. The hospital has now taken steps to ensure that all of the older forms have been withdrawn and destroyed. The superintendent assured the Commission that their personnel policies and hiring practices were non-discriminatory.

No one between the ages of 40 and 65 shall be discriminated against in employment (hiring, firing or conditions of employment) because of age. No one shall be excluded from or denied full participation in trade union membership because of age.

Three employees given regular employment status

Formal complaints were received by the Commission from employees of a beverage warehouse firm in which they alleged that they had been discriminated against because of age. In each case, the complainant alleged that he was employed on a temporary basis, but was denied potential regular employment status because of his age. The employees' union supported the complaints. After Commission intervention, three employees, aged 46, 54 and 47 respectively, were given regular employment status by the employer.

Forty-year-old woman interviewed for position

A forty-year-old woman, who had recently completed a course in IBM data processing, filed a complaint with the Commission, alleging that she had been refused an opportunity to apply for a position as an IBM keypunch operator because of her age. The woman claimed that when she answered an advertisement for the position by telephone, she was told the position was still available and then asked her age. When she indicated

that she was forty, she was told by the receptionist that the firm was looking for applicants between eighteen and twenty-five years of age.

A Commission investigation of company records revealed a fair proportion of older workers, a number of whom had been hired after their fortieth and even fiftieth year. The personnel officer of the company assured the Commission that the company's policy was to consider every applicant solely on the basis of his or her experience and qualifications; he indicated that the staff had been instructed accordingly. The investigation revealed that the receptionist had made an incorrect assumption regarding age restriction because she had observed that the majority of key-punch operators and applicants were under twenty-five. The reason given for this is that, until recently, this type of training had been more easily accessible to girls in high school or immediately following high school graduation. The receptionist was instructed concerning the firm's policy of fair practices.

The firm contacted the complainant, accepted her application and gave her an interview. By this time, the complainant had accepted another position. However, she indicated to the firm that she was really more interested in data processing than in straight keypunch operation. The firm offered to notify her when an opening in data processing occurred.

Teacher reinstated after receiving notification of retirement

A teacher in a Lake Huron community received a notice that, because she had reached the age of sixty-two, she would be retired as of the last teaching day of the academic year. The teacher contacted the Federation of Women Teachers' Associations of Ontario who, in turn, contacted the Commission. As a result, a formal complaint was filed by the teacher under the Age Discrimination Act.

A Commission investigation revealed that the local school board felt that it was within its rights in retiring the teacher because they had a motion on their books to the effect that the 'retirement age for female teachers be sixty-two years—retirement to take place the 30th day of June in the year the teacher reaches the age of sixty-two.' Following the conciliation efforts of the Commission, the school board decided to adjust its policy of retirement age from sixty-two years to sixty-five years of age, in accordance with the provisions of the Age Discrimination Act. With this decision, the complainant was reinstated until she reaches the age of sixty-five.



Community Action Programs

In addition to receiving formal and informal complaints, the Ontario Human Rights Commission has, in a number of areas, taken positive action toward the integration of minority groups in the province. In most instances, this has involved the active support and co-operation of community organizations and institutions.

Ontario real estate boards sign fair housing agreement

An historic agreement—the Declaration of Fair Housing Practices—was signed by the Ontario Association of Real Estate Boards and the Commission. The Association represents over eighty per cent of all those registered to sell real estate in the province. Membership boards are located in 43 Ontario centres involving 1,847 real estate brokers and 6,877 salesmen. In signing the Declaration, the Association pledged its co-operation and support of the Ontario Human Rights Code. To implement this pledge, the Association endorsed on behalf of its membership the following affirmative action:

1. A statement of policy of non-discrimination, stressing that housing matters should be dealt with without reference to such factors as race, creed, colour, ancestry or place of origin.
2. The acceptance of property listings from the public on an unrestricted basis and without reference to race, creed, colour, ancestry or place of origin.
3. The encouragement of the use of the educational and conciliation services of the Ontario Human Rights Commission in order

to promote full and equal housing opportunity for all members of the public.

Similar agreements were signed previously between the Commission and the Apartment Developers Committee of the Urban Development Institute—The Declaration of Fair Accommodation Practices; and with the Association of Professional Placement Agencies and Consultants and their fifteen member agencies—the Declaration of Fair Employment Practices. From the time of the signing of the APPAC agreement, all private employment agencies licensed by the Department of Labour have been approached by the Commission and invited to sign a similar declaration. Over 100 have done so, signifying their intention to abide by the provisions and spirit of the Ontario Human Rights Code in their referral practices.

Mayor's committee formed in Amherstburg

Following the burning of a Ku Klux Klan cross as well as the disclosure of problems of racial discrimination in Amherstburg, a citizens' committee was formed by the Mayor of that community to consider problems of prejudice and discrimination against Negroes in the areas of employment, public accommodation and housing. The Mayor's Committee consists of three representatives from the Town Council and three representatives from the South Essex Citizens Advancement Asso-

DECLARATION OF FAIR HOUSING PRACTICES

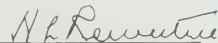
The Ontario Association of Real Estate Boards confirms the following statement of Policy adopted by the Canadian Association of Real Estate Boards in September 1965 -

"The Canadian Association of Real Estate Boards is dedicated to the principle that all individual citizens of this nation should have the right to own, rent and dispose of real property and to use it freely within the limits of necessary governmental controls for public health and safety and planning for the overall good. We believe that these rights are inherent in a free society, traditional in our nation, and indispensable to the preservation of individual freedom."

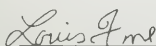
The Ontario Association of Real Estate Boards, representing the large majority of real estate brokers and salesmen in Ontario, pledges its co-operation and support of the Ontario Human Rights Code. To implement this pledge, the Association endorses on behalf of its membership:

1. A statement of policy of non-discrimination, stressing that housing matters should be dealt with without reference to such factors as race, creed, colour, ancestry or place of origin.
2. The acceptance of property listings from the public on an unrestricted basis and without reference to race, creed, colour, ancestry or place of origin.
3. The encouragement of the use of the educational and conciliation services of the Ontario Human Rights Commission in order to promote full and equal housing opportunity for all members of the public.

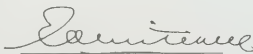
Dated at Toronto, Ontario, June 20, 1966.



HONOURABLE H. L. ROWNTREE, O.C.
Minister of Labour
Province of Ontario



LOUIS FINE, I.L.D.
Chairman
Ontario Human Rights Commission



E. A. MITCHELL
President
Ontario Association of Real Estate Boards

ciation, a local organization concerned about promoting better relationships between racial groups in that community. The Commission played a vital role in the establishment of the committee and the Director served as temporary chairman for the first few months.

The committee has been active in a number of areas, including an educational program with the police authorities in the Amherstburg area, and a program with teenagers in both the Negro and white communities who met together to set up a joint community service project. Furthermore, the committee has enlisted the co-operation of a number of business and industrial firms who have voluntarily assured the committee of the fair employment policies of their respective firms. As a result, a number of new positions have been filled by Negroes of the community. The committee has also concerned itself with housing, public accommodation and law enforcement.

Equal employment opportunities at Bob-Lo Island

Through the efforts of the Mayor's Committee of Amherstburg, 'before-the-public' job opportunities were for the first time extended to Negro young people from the Amherstburg area at the Bob-Lo Island Amusement Park. The park is situated on an island at the mouth of the Detroit River near Amherstburg.

Mayor's committee established in Kenora

A demonstration was held in Kenora in which 400 Indians marched to present a brief to the Town Council. The demonstration was organized by Treaty Council No. 3 and the Indian-White Committee of Kenora. The Town Council accepted the brief and agreed to implement its recommendations. As a result, a Mayor's Committee was formed to consider employment problems relating to Indians. The Ontario Human Rights Commission is represented on the Committee and advises it in respect to improving Indian-white relations in the Kenora area.

Ryerson Institute adopts student housing policy

Ryerson Polytechnical Institute in Toronto has worked out, in co-operation with the Ontario Human Rights Commission, a procedure for ensuring that all landlords and landladies listed in their housing registry will accept students without regard to race, religion or colour.

A letter was drawn up, listing a number of conditions to which each landlord or landlady must consent in writing before being accepted. The conditions include such matters as provision of proper study facilities, willingness to keep the student or students for the entire school term, agreement not to increase the rent during the stay of the student, and agreement that if house duties are required, they should be decided upon before the student takes up residence. The second item on the

list of conditions reads, 'That there will be no discrimination because of colour, race or religion'.

This procedure was worked out by the Institute after press reports that African and Asian students had had difficulty finding housing because of their race and colour. The President of the Students' Administrative Council of Ryerson and the Director of Student Affairs were active in preparing the list of conditions after consultation with the Commission. This approach to the problem of housing for overseas students has been considered by other educational institutions in the province.



Publications available

The publications listed below are available without charge from any office of the Ontario Human Rights Commission.

The Ontario Human Rights Code

A 16-page pamphlet containing the complete text of the Code. Available in English and French.

Display Scroll—The Ontario Human Rights Code

The text of the Code on a two-colour scroll with gold border, suitable for framing. Can be displayed in public buildings, churches, schools, hotels and tourist resorts, offices, community centres, libraries, industrial plants. Available in English and French.

Human Rights in Ontario

A comprehensive pamphlet summarizing the provisions of the Code and outlining the activities of the Commission and the role of the community in furthering human rights in Ontario. Available in English and French.

Human Relations

A twice-yearly bulletin describing the activities of the Commission and containing articles dealing with current problems in human rights and human relations.

Your Rights are Protected

A brochure outlining in brief the program of the Commission and the role of the public in promoting human rights. Useful for wide-spread distribution. Available in English, Croatian, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese, and Ukrainian.

Guide for Employers

A brochure outlining the provisions of the Ontario Human Rights Code in relation to employment application forms and job interviews and containing a chart listing the questions which may and may not be asked of applicants. Available in English, French and Italian.

Human Rights Legislation in Ontario

Reprint of an analysis of Ontario's human rights legislation by Daniel G. Hill, Director, and E. Marshall Pollock, Counsel, Ontario Human Rights Commission. The article appeared in *Race*, published by the Institute of Race Relations, United Kingdom.

Serving the Public

A leaflet dealing with the fair accommodation practices provisions of the Ontario Human Rights Code and attempting to answer some of the questions asked by tourist resort operators and proprietors of public places regarding the effects of fair practices.

The Ontario Human Rights Commission

Human Rights Films

A list of 16mm. films dealing with problems of prejudice and discrimination and available through local film libraries.

Equal Pay for Women

A one-page flier outlining the equal pay for women provisions of the Ontario Human Rights Code.

Age Discrimination Act

The text of the act. Available in English and French.

The Older Worker

A brochure describing the role of the older worker in the present day economy. Available in English and French.

The Honourable Dalton Bales, QC
Minister of Labour

Thomas M. Eberlee
Deputy Minister of Labour and Secretary

Louis Fine, LL.D.
Chairman

Joyce Applebaum, Gordon Greenaway,
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